

2009 Legislation

Issue Date: January 5, 2010

New Laws

This memo provides a summary of 2009 legislation that impacts the Department of Motor Vehicles' operations. All changes are effective January 1, 2010, unless otherwise noted.

Information

You will be notified of program and procedural changes through additional memos. If you are interested in further information regarding these laws, visit the legislative information website at **www.leginfo.ca.gov**.

Background

The attached legislative summary does not comprise a complete listing of all 2009 legislative bills. It includes only those bills that affect the department's operations.

Distribution

Notification that this memo is available online at **www.dmv.ca.gov** under Publications was made via E-Mail Alert Service in December 2009.

Contact

Call the DMV Customer Communications Section, at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print.



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Vehicle Registration

Off Highway Motor Vehicles Amend <i>California Vehicle Code</i> §§1803, 12810 Add: <i>California Vehicle Code</i> §38304.1 (AB 134 Chapter 414)	Prohibits a parent or guardian from granting permission or knowingly allowing a child under age 14 to operate an off-highway vehicle in violation of the law requiring the operator to be of sufficient physical stature to reach and operate all controls necessary for the vehicle's safe operation.
Distinguishing Placards and License Plates Amend: <i>Penal Code</i> §1465.6 Amend: <i>California Vehicle Code</i> §§4461, 4463, 22511.57, 40203.5, 42001.3 Add: <i>California Vehicle Code</i> §§40200.1, 20203.6 (AB 144 Chapter 415)	Grants cities and counties the authority to cite a broader range of disabled parking space violations; allows those violations to be cited as civil parking violations in lieu of misdemeanors; establishes minimum penalty amounts for these civil offenses and extends an existing 10 percent penalty assessment to specified criminal and civil citations.
Additional Registration Fees Amend: <i>California Vehicle Code</i> §9250.14 (AB 286 Chapter 230)	Extends the sunset date of the Vehicle Theft Deterrence Fee from January 1, 2010, until January 1, 2018.
Reissuance Fee Amend: <i>California Vehicle Code</i> §4000.38 (AB 425 Chapter 107) Effective January 1, 2011	Exempts members of the California National Guard and the U. S. Armed Forces from the fee that is required to reinstate vehicle registration that has been suspended for lack of required liability insurance, if the fee becomes due while a member is serving on active duty, outside of California, and in military conflict during wartime.
Registration and Title Information Amend: <i>California Vehicle Code</i> §4465 (AB 647 Chapter 230)	Requires the Department of Motor Vehicles (DMV), by January 1, 2010, to be in full compliance, to the extent practicable, with the federal Anti-Car Theft Act of 1992 and the rules governing the National Motor Vehicle Title Information System (NMVTIS).
Duplicate or Substitute Certificate of Title or License Plate Amend: <i>California Vehicle Code</i> §4465 (AB 873 Chapter 481)	Adds agents of vehicle dealers and licensed registration services to the list of entities authorized to submit applications for duplicate titles and/or duplicate or substitute license plates.

Vehicle Registration Continued...

Electronic Lien Amend: <i>California Vehicle Code</i> §4450.5 (AB 1515 Chapter 540)	Requires the DMV on or before January 1, 2012, to develop an Electronic Lien and Title (ELT) program that requires all lien holders' title information to be held in an electronic format. The law allows DMV to establish an auto-loan business volume threshold for ELT participation. Lien holders with auto-loan volumes lower than the DMV established threshold would not be required to participate in the ELT program.
Motor Vehicle Registration Fees Add: <i>California Vehicle Code</i> §9250.4 Add: <i>Government Code</i> §65086.20 (SB 83 Chapter 554)	Authorizes a countywide transportation-planning agency, upon voter approval, to impose an annual fee of up to \$10 on motor vehicles registered within the county, as specified.

Driver License

Charter-Party Carriers: Bus drivers Amend: <i>Public Utilities Code</i> §5387 Amend: <i>California Vehicle Code</i> §§1803, 13369 Add: <i>Public Utilities Code</i> §5387.3 Add: <i>California Vehicle Code</i> §14602.9 (AB 636 Chapter 248)	Requires the DMV to suspend, revoke, or refuse to issue or renew a passenger vehicle endorsement or certificate for a five-year period, if a person drives a charter-party passenger bus without having been issued the proper class of license, endorsement, or certificate.
Ignition Interlock Device Amend: <i>California Vehicle Code</i> §§13386, 23576 Add: <i>California Vehicle Code</i> §23700 (AB 91 Chapter 217) Effective July 1, 2010	Establishes a four-county pilot program in Alameda, Los Angeles, Sacramento, and Tulare to assess the effectiveness of Ignition Interlock Device (IID) installation in reducing driving under the influence violations in those counties.
Driving Under the Influence (DUI) Amend: <i>California Vehicle Code</i> §§13352, 13352.5, 23109, 23550, 23550.5, 23552, 23566, 23568 (SB 598 Chapter 193) Effective July 1, 2010	Revises the penalty statutes related to DUI of alcohol or drugs to encourage the use of an IID by authorizing restricted driving privileges upon installation of an IID in lieu of a longer driver license suspension term.

Occupational Licensing

California Car Buyers' Protection Act of 2009 Add: <i>California Vehicle Code</i> §11709.4 Amend: <i>California Vehicle Code</i> §§9262, 9262.5 (SB 95 Chapter 556)	Requires a vehicle dealer to pay off the outstanding loan or lease balance on any vehicle accepted in trade within 21 calendar days of taking the vehicle in trade. Prohibits a dealer from selling, consigning for sale, or transferring a vehicle accepted in trade before the outstanding loan or lease balance has been paid. This law also raises fees for dealer licenses.
Manufacturers and Distributors Add: <i>California Vehicle Code</i> §11713.13 Amend: <i>California Vehicle Code</i> §11713.1 (SB 424 Chapter 12) Effective July 2, 2009	Existing law prohibits a dealer from selling a new vehicle if the dealer does not hold a valid franchise for that vehicle make. This new law excludes from that prohibition the sale of a vehicle which had been acquired from the manufacturer while the dealer held a franchise, but which franchise had been canceled as a result of the manufacturer's bankruptcy.
Dismantlers License Applications Amend: <i>California Vehicle Code</i> §11504 (AB 805 Chapter 475)	Requires DMV to investigate all the information included on each application of an automobile dismantler's license, to ensure that auto dismantlers comply with statutory requirements relating to environmental protection and payment of taxes.

Fees

Driver License Fees Amend: <i>California Vehicle Code</i> §§1678, 12814.5, 14900, 14900.1, 14901, 14902, 15250.6, 15250.7, 15255.1, 15255.2 (AB X4 10 Chapter 10)	Makes technical corrections to <i>California Vehicle Code</i> provisions subjecting various DMV fees to annual Consumer Price Index (CPI) adjustments to eliminate a disparity in the fees for renewal of commercial driver licenses renewed by mail as opposed to in-person renewals. Adds the fees for special firefighter equipment driver licenses to those subject to CPI adjustments.
Bureau of Automotive Repair Referee Inspections Amend <i>California Vehicle Code</i> §4750.1 (AB 318 Chapter 11)	Allows the Bureau of Automotive Repair to charge a fee of \$160 for each smog referee inspection of a vehicle required as part of registering a vehicle under the amnesty provisions.
Environmental License Plates Amend: <i>California Vehicle Code</i> §§5106, 5108 (AB X4 Chapter 11) Effective July 28, 2009	Increases fees for environmental license plates.